



PTO/SB/30 (08-00)

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RCE 3683  
1/31/03

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

<i>Application Number</i>	09/495,147
<i>Filing Date</i>	January 31, 2000
<i>Examiner Name</i>	M. BURCH
<i>First Named Inventor</i>	Niwa SATORU
<i>Group Art Unit</i>	3683
<i>Attorney Docket Number</i>	11757/40

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - iii.  Other
- b. Enclosed
  - i.  Response to Office Action
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other petition for extension of time

2. **Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

- b.  Other

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. **11-0600**
  - i.  RCE fee required under 37 C.F.R. § 1.17(e)
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) - 1-month
  - iii.  Other
  - iv.  Charge any additional fees under 37 C.F.R. § 1.16 and 1.17
- b.  Check in the amount of \$ \_\_\_\_\_ enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

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GROUP 3600

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	WILLIAM E. CURRY	Registration No. (Attorney/Agent)	43,572
Signature	<i>William E. Curry</i>	Date	1/31/03

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

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PATENT  
11757/40

19/03  
2/25/03

THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Niwa SATORU  
SERIAL NO. : 09/495,447  
FILED : January 31, 2000  
FOR : BRAKING SYSTEM HAVING SWITCHING DEVICE  
FOR SUPPLYING ENERGY TO ELECTRICALLY  
CONTROLLED BRAKE THROUGH BRAKE  
CONTROLLER UPON OPERATION OF BRAKE  
OPERATING MEMBER  
GROUP ART UNIT : 3683  
EXAMINER : M. BURCH

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Assistant Commissioner for Patents  
Washington D.C. 20231

GROUP 3600

RESPONSE TO OFFICE ACTION

Sir:

In response to the final Office Action mailed October 1, 2002,  
reconsideration of the rejection of the above-identified patent application is  
respectfully requested in view of the following amendments and remarks

**IN THE CLAIMS:**

Please amend claims 2-6, 11, 12, 18, 19, 21 and 29 as follows:

2. (Third Time Amended) An electrically controlled braking system  
according to claim 39, wherein said electrically controlled brake includes a rotor  
for rotating with said wheel, a friction member, and an electric motor for forcing  
said friction member onto said rotor, and said brake control apparatus includes a  
motor control device for controlling the electric energy to be supplied from said  
electric power source device to said electric motor.